

under 35 U.S.C. §103(a) as being unpatentable over Scannell in view of Rochkind (European Patent No. 0825752 A2). Claims 102, 111 and 117 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Scannell in view of Rochkind and further in view of Epstein et al. (U.S. Patent No. 6,327,343; hereinafter referred to as “Epstein”). Claims 105, 112 and 118 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Scannell in view of Epstein. Applicants contend that the cited art, either singly or in combination, teach or suggest the claimed subject matter of claims 98-118.

Rejections Based Upon 35 U.S.C. §102(b)

With respect to independent claims 98, 106 and 113, the current application is directed at a system that **prioritizes messages after filing the message into multiple mailboxes**. In contrast, Scannell is directed at first prioritizing mail messages and then filing the messages into mailboxes, in effect basing the prioritization in each mailbox upon the one, original determination of priority. Applicants’ system is able to apply different criteria to each mailbox. The following is an excerpt from Scannell:

A method and apparatus for prioritizing a plurality of incoming electronic mail messages for a user uses a user created and modified rules-control (12) which is stored in a rules-store (12). Incoming messages are stored in a message store (11) and are screened individually by a rules test unit (13). The rules-test unit has a comparator (52) which matches keywords which are chosen by the user while creating the rules, add supplies signals to an action list unit (54). By applying the user created rules for deciding which messages constitute the priority messages for the user, a priority assigning unit (45) within an action portion (35B) of the rules-store (12) assigns a priority number (say from 1 to 5, 1 being the highest priority for example) to each screened message. Responsive to the assigned priority number of the screened message, the message is sent to a main folder store or forwarded or put away as appropriate.

(Scannell, Abstract). Scannell nowhere discloses sorting and depositing the e-mail messages into a plurality of virtual mailboxes wherein the e-mail message is prioritized within such virtual mailboxes based upon the assigned code. Rather, Scannell teaches the use of one main “in tray” (col. 8, lines 14-15). Nor does Scannell teach the prioritization of messages in each mailbox (see

col. 6, lines 14-17). In other words, Scannell does not teach or suggest prioritizing within mailboxes. In fact, Scannell treats "prioritization" and "filing" as distinct and separate operations. Thus, Scannell teaches an invention with an "in tray" and supplemental folders that are separate and distinct from the "in tray" and that do not perform sorting functions. In contrast, the present invention employs a plurality of mailboxes, each of which may have sorting and/or prioritization functionality.

In addition, claims 99-105, 107-112 and 114-118 are allowable as being dependent upon allowable base claims and Applicants also respectfully request allowance of these claims as well.

In order to reject a claimed invention under §102(b), the cited reference must teach every aspect of the claimed invention either explicitly or impliedly. (M.P.E.P. §706.02). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (M.P.E.P., §2143.03, citing *in re Royka*, 490 F.2d 981; 180 U.S.P.Q. 580 (CCPA 1974)). In addition, "All words in a claim must be considered in judging the patentability of that claim against prior art." (*Id.*, citing *In re Wilson*, 424 F.2d 1382, 1385; 165 U.S.P.Q. 494, 496 (CCPA 1970)).

CONCLUSION

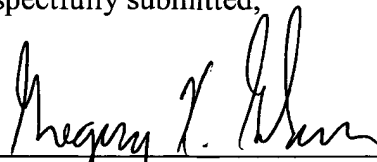
It is respectfully submitted that all issues and rejections have been adequately addressed and that pending claims 98-118 are allowable and that the case should be advanced to issuance. Although no fees are believed due with respect to thin amendment, if there are additional fees associated with this filing, the Commissioner is hereby authorized to charge or credit any overpayment to the deposit account of Fortkort Grether + Kelton, LLP, Deposit Account No. 50-2726.

If the Examiner has any questions or wishes to discuss the claims, the Examiner is encouraged to call the undersigned at the telephone number indicated below.

Via Express Mail Label ev 463384957 US

Date of Mailing: January 12, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregory K. Goshorn", written over a horizontal line.

Date: January 13, 2005

By: Gregory K. Goshorn

Reg. No.: 44,721

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ATTACHMENT A

Pending Claims (as of 01/12/2005)

1-97. (Canceled or Withdrawn)

98. (Previously presented) A method for an electronic communications message system to prioritize an information message comprising:

determining a personalized identifier corresponding to the message, wherein the personalized identifier does not require coordination between a user of the method and an originator of the message;

locating the personalized identifier in a database;

assigning from the database a code corresponding to the personalized identifier;

and

depositing the message into at least two of a plurality of virtual mailboxes wherein the message is prioritized within such virtual mailboxes based on the code.

99. (Previously presented) The method of claim 98, wherein the database, the personalized identifier, the code, and the correlation between the personalized identifier and the code are initially defined by the user and subsequently changeable by the user.

100. (Previously presented) The method of claim 98 wherein the prioritization includes an element of providing a personalized response to the originator.

101. (Previously presented) The method of claim 98, wherein the information message is a voice mail message.

102. (Previously presented) The method of claim 101, wherein the personalized identifier is derived from a voiceprint of an audio element associated with the voice mail message.

103. (Previously presented) The method of claim 101, wherein the information message is a voice mail message and wherein the prioritization includes an element of providing a personalized response to the originator based on the personalized identifier and the code.

104. (Previously presented) The method of claim 98, wherein the elements of the method are performed by an automated system selected from the group consisting of: a computer, a voice-type message storage device, a facsimile machine, a combination of any two of the foregoing, and a combination of the first three of the foregoing.

105. (Previously presented) The method of claim 98, wherein the personalized identifier is a biometric signature associated with the originator and the information message.

106. (Previously presented) A system for prioritizing a received information message, comprising:

a database;

a plurality of known personalized identifiers stored in the database,

a plurality of identity codes, wherein each of the known personalized identifiers is associated with one of the plurality of identity codes;

a computing device for determining a first personalized identifier associated with a received information message, wherein the first personalized identifier is not dependent upon coordination between a user of the system and an originator of the received information message;

a priority assignment device for assigning a priority code to the received information message corresponding to the identity code associated with any matched first personalized identifier; and

a prioritizer to prioritize the message according to the code.

107. (Previously presented) The system of claim 106, further comprising:
a plurality of virtual mailboxes wherein the message is prioritized within such virtual mailboxes based on the priority code in at least two of the priority of mailboxes.

108. (Previously presented) The system of claim 106, wherein the database, the first personalized identifier, the priority code, and the correlation between the identity code and the priority code are initially defined by the user and subsequently changeable by the user.

109. (Previously presented) The system of claim 106, further comprising:
a response device for providing a personalized response to the originator.

110. (Previously presented) The method of claim 106, wherein the received information message is a voice mail message.

111. (Previously presented) The system of claim 110, wherein the personalized identifier is derived from a voiceprint of an audio element associated with the voice mail message.

112. (Previously presented) The method of claim 106, wherein the personalized identifier is a biometric signature associated with the originator and the message.

113. (Previously presented) A computer-readable medium of instructions and data, comprising:

a received message;

a personalized identifier corresponding to the received message, wherein the personalized identifier does not require coordination between a user of the medium and an originator of the received message;

computer instructions for receiving the message and the personalized identifier;

a database containing known personalized identifiers, each personalized identifier associated with a code of a plurality of codes;

computer instructions for correlating the received personalized identifier with a known personalized identifier; and

computer instructions for prioritizing the message according to the code associated with the correlated known personalized identifier.

114. (Previously presented) The computer-readable medium of claim 113, wherein the database, the first personalized identifier, the code, and the correlation between the personalized identifier and the code are initially defined by the user and subsequently changeable by said user.

115. (Previously presented) The computer-readable medium of claim 113, further comprising:

computer instructions for providing a personalized response to the originator.

116. (Previously presented) The computer-readable medium of claim 113, wherein the received information message is a voice mail message.

117. (Previously presented) The computer-readable medium of claim 116, wherein the personalized identifier is derived from a voiceprint of an audio element associated with the voice mail message.

118. (Previously presented) The computer-readable medium of claim 113, wherein the personalized identifier is a biometric signature associated with the originator and the received message.